

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANDREW N. MARTIN-SMITH;
ANTHONY DAVIS; STEVEN D.
PHELPS; MARTIN L. MUMMERT;
KENNETH MORELAND; RICHARD
D. SWAN, III; ANGEL B. SORIANO,
Plaintiffs,
vs.
RAMCOR SERVICES GROUP, INC.,
Defendant.

2:10-CV-00403-PMP-LRL

ORDER

Before the Court for consideration is Defendant RAMCOR Services Group, Inc.'s fully briefed Motion for Partial Summary Judgment (Doc. #25). Also before the Court is Plaintiffs' Counter Motion for Deferral Pursuant to FRCP 56(d) (Doc. #42), and Defendant's Motion to Strike Affidavits (Doc. #44). The Court conducted a hearing regarding the foregoing Motions on June 30, 2011.

Defendant RAMCOR's Motion for Partial Summary Judgment seeks judgment only as to Plaintiffs' First Cause of Action for the violation of the WARN Act, 29 U.S.C. § 2101 et. seq. Plaintiffs insist that additional time is needed to complete discovery to enable them to respond to Defendant's motion. Although the parties have had a considerable period of time to conduct discovery, based upon the arguments conducted on June 28, 2011, and given the fact that discovery remains ongoing in this action with respect to all three claims set forth in Plaintiffs'

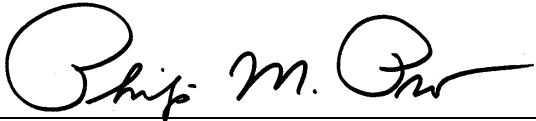
1 Complaint, the Court finds that Plaintiffs' Counter Motion (Doc. #42) should be
2 granted.

3 **IT IS THEREFORE ORDERED** that Defendant RAMCOR Services
4 Group, Inc.'s Motion for Partial Summary Judgment (Doc. #25) is **DENIED** without
5 prejudice.

6 **IT IS FURTHER ORDERED** that Plaintiffs' Counter Motion for
7 Deferral Pursuant to FRCP 56(d) (Doc. #42) is **GRANTED**.

8 **IT IS FURTHER ORDERED** that Defendant's Motion to Strike
9 Affidavits (Doc. #44) is **DENIED**.

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11 DATED: July 6, 2011.

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14 PHILIP M. PRO
15 United States District Judge
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